

June 12, 2018

**CITY OF GUNNISON COUNCIL
REGULAR SESSION MEETING MINUTES**

5:30 P.M.

The City Council Regular Session meeting was called to order at 5:30 P.M., by Mayor James Gelwicks with Councilors Mallory Logan, Jim Miles, Bob Drexel and Leia Morrison present along with City Manager Russ Forrest, City Attorney Kathy Fogo, Finance Director Ben Cowan, Deputy City Clerk Tara Kindall, Interim Community Development Director Andie Ruggera, Public Works Director David Gardner, Wastewater Plant Superintendent Mike Rogers, City Engineer Cody Tusing, several interested citizens, and the press. A Council quorum was present.

PUBLIC HEARING

5:30 P.M.

To receive input on the Application for a Retail Marijuana Products Manufacturing Establishment License from Cosmic Foods Holdings LLC, dba Cosmic Kitchen located at 419 South 10th Street in Gunnison, Colorado.

Mayor Gelwicks called the public hearing to order at 5:30 p.m., Tuesday, June 12, 2018, in the Council Chambers of City Hall, 201 West Virginia Avenue in Gunnison, Colorado. Present at the hearing are Councilors Logan, Miles, Drexel, Morrison, Gelwicks, City Manager Forrest, City Attorney Fogo, Finance Director Cowan, and Deputy Clerk Kindall. Also present are Public Works Director David Gardner and Wastewater Superintendent Mike Rogers.

Mayor Gelwicks asked for proof of publication for this hearing from the deputy clerk who stated that a copy was included in the packet and the original is in the City's official file. He then asked for staff comments on the application. Deputy Clerk Kindall stated that the applicants have completed all necessary applications, forms, and paid all fees to the City and the State. The required members of City Staff have completed their review of the application and have signed off giving their approval. The site application is complete and the conditions are as follows: the licensed marijuana establishment shall comply with all provisions, standards and regulations of the LDC and all relevant building, mechanical and fire codes; a mechanical source capture and exhaust system shall be installed and subject to inspection and approval by the Building Official; the specialized equipment and appurtenances used in the extraction process shall be subject to periodic inspections for the Fire Marshal and/or Building Official to verify their integrity and safety; the licensed marijuana establishment premises shall be equipped with fire extinguishers and carbon dioxide alarms as required; a minimum of eight exterior off street parking spaces with one of those being a handicap accessible space shall be dedicated to this licensed marijuana establishment; building occupancy for the licensed marijuana establishment shall be subject to a final inspection and approval by the Building Official, Fire Marshal and Director of Community Development. City Staff recommends approval of the license with the stated conditions.

Mayor Gelwicks noted that Police Chief Keith Robinson joined the meeting at 5:35 p.m. He then invited the applicants to come forward, give testimony and asked them to sign, state their name and residency. Spencer Hestwood, 714 Maroon in Crested Butte and Darin Biggers, 56 Buena Vista Drive in Gunnison addressed council. Mr. Biggers thanked Council for the opportunity to be here and feels this will be a great business that will employment opportunities for people in the valley. Mr. Hestwood then explained the operation and the products they will be producing in more detail. City Manager Forrest asked if there is anything flammable or explosive in their business. Mr. Hestwood then reviewed the flammable aspects of the process, but stated that there is nothing explosive involved. Councilor Logan asked how many people were they looking at employing? Mr. Hestwood explained that at the beginning stages there would be about four but as they progress to stage two of their business plan they would be adding about 10-20 more employees. Mayor Gelwicks asked them if they were aware of the laws of the State and had they reviewed the regulations they would need to follow to operate in a responsible manner? Mr. Hestwood explained that Mr. Biggers is their compliance officer and their attorney wrote part of Amendment 64, so they are well aware of the regulations for their business and what is expected of them by the State and the City. Mayor Gelwicks noted for the record that Building Inspector Eric Jansen joined the meeting at 5:42 p.m. He then asked if anyone had any more questions for the applicants. Finance Director Cowan asked if they were familiar with the excise tax on manufacturing in the City? He then explained that there is a 5% on any products that would be sold to out of town vendors and the finance department would be available if they had any questions on that. Mayor Gelwicks asked if there was anyone in the audience who was interested in this public hearing since there were four public hearing tonight and noted there were two hands raised. He asked if we had

received any other correspondence from the public to enter into the record. The Deputy City Clerk stated that we had not. He then called for any final comments and hearing none closed the Public Hearing at 5:45 p.m.

PUBLIC HEARING

5:45 P.M.

To receive input on the Application for a transfer of ownership for a Retail Marijuana Products Manufacturing License and a Retail Marijuana Cultivation Establishment License from Cosmic Culture LLC located at 555 South 10th Street in Gunnison, Colorado.

Mayor Gelwicks called the public hearing to order at 5:45 p.m., Tuesday, June 12, 2018, in the Council Chamber of City Hall, 201 West Virginia Avenue in Gunnison, Colorado. Present are Councilors Logan, Miles, Drexel, Morrison, himself, City Attorney Fogo, City Manager Forrest, Finance Director Cowan, and Deputy Clerk Kindall.

Mayor Gelwicks asked for proof of publication from the deputy clerk and she stated a copy of the affidavit is included in their packet and the original copy is in the official file. He then asked for staff comments and recommendations. Deputy Clerk Kindall testified that the applicant has filled out all necessary forms and paid all required fees to both the City and the State. All City departments have given their approval for both license transfers, include the Public Works Director who didn't have a chance to sign off on the form until this morning. The Site Development application was completed by the Community Development office and the following conditions apply: the licensed marijuana establishment shall comply with all provisions, standards and regulations of the *Land Development Code* and all relevant building, mechanical and fire codes adopted by the City; a required mechanical source capture and exhaust system design shall be submitted and the actual installation inspected and approved by the Building Official prior to commencing operations; the license marijuana establishment premises shall be equipped with fire extinguishers as required; a minimum of five exterior off street parking spaces with one of those being a handicap accessible space, shall be dedicated to this license marijuana establishment; building occupancy for the licensed marijuana establishment shall be subject to a final inspection and approval by the Building Official, Fire Marshal and Director of Community Development; stairs at the back of the building must be attached. She also stated that they have not received any additional letters or emails concerning this application. Based upon review and investigation of these applications for transfer staff recommends approval of these licenses with the stated conditions. Mayor Gelwicks then asked the applicants to please come forward sign in and state their names. Steve Allen and David Schmigle of 502 Curecanti Drive #16 in Gunnison, Colorado came forward and addressed Council. Mr. Allen thanked Council and introduced his stepdad and master grower David Schmigle. Mr. Schmigle briefly reviewed his background. Mr. Allen explained the operations of the business and the products they are planning at producing. Councilor Logan asked if the Cosmic name was a coincidence and Mr. Allen explained that it's not a coincidence and they will be changing their dba at a later date when they're up and running. He also noted that all the conditions have been met except for the stairs being attached and they are scheduled to do so in the very near future. Finance Director Cowan spoke to them about the excise tax concerning any marijuana products they would be producing and shipping out of the City for sale elsewhere in the state. Mayor Gelwicks then reiterated that as a license holder they have a responsibility to make themselves aware of all laws and regulations imposed by the State. Mr. Allen stated that not only is he aware of this aspect, but one of his employees is learning about these as well. Mayor Gelwicks then asked if there was anyone in the audience who wished to make any comments on the record. There were none. He then polled the audience as to the interest in this specific public hearing; no hands were raised. Hearing no more comments from the public or Council the mayor then closed the public hearing at 5:56 p.m.

PUBLIC HEARING

5:57 P.M.

To present the findings and recommendations of the Project Needs Assessment on the Wastewater Treatment Plant facility and to update council on the general status of the Wastewater Treatment Plant (Infrastructure Result #4).

Mayor Gelwicks called the public hearing to order at 5:57 p.m., Tuesday, June 12, 2018, in the Council Chamber of City Hall, 201 West Virginia Avenue in Gunnison, Colorado. Present at this hearing are Councilors Logan, Miles, Drexel, Morrison, himself, Jim Gelwicks, City Attorney Fogo, City Manager Forrest, Finance Director Cowan, Deputy Clerk Kindall, Public Works Director David Gardner, Wastewater Treatment Plant Supervisor Mike Rogers, Interim

Community Development Director Andie Ruggera, City Engineer Cody Tusing, Police Chief Keith Robinson, and Building Official Eric Jansen.

Public Works Director Gardner and WWTP Supervisor Rogers came forward and addressed Council. WWTP Supervisor Rogers began with an update on the general status of the WWTP concerning infrastructure result number four. Items included in Supervisor Rogers review were laboratory equipment, generator, the main distribution panel, communications upgrade, and future regulatory requirements. He also mentioned that they hired two new staff members: Krystal Brown, Laboratory Technician, and Donald Getz, Wastewater and Backflow Operator. Briefly mentioned were funding sources for the needs assessment, as well as some savings on the needs assessment included doing some processes in-house. Public Works Director Gardner asked Council if they had any questions before turning it over to Mark Maxwell of Tetra Tech, the project engineer for the needs assessment. Mayor Gelwicks asked if, during their monitoring of the treated water, there was a comparison of the water before it is released back into the river? Supervisor Rogers stated that they do, both upstream and downstream.

Mr. Maxwell then came forward, signed in, and addressed council. He explained that the project needs assessment report is a state requirement for certain types of funding. He then reviewed, in detail, the Power Point presentation included in the packet material. He spoke about the different mechanisms that have been in use for the past thirty years. Some of these mechanisms are still performing well. Any mechanisms that need updated or replaced were reviewed. Flow and leakage were explained. Councilor Drexel asked if had incorporated the needs list that was generated by Black and Veatch. Mr. Maxwell explained that they had. Councilor Drexel asked if they agreed with the list. Mr. Maxwell stated that they did for the most part, but in some cases they felt a different approach would be best and they've identified those as well. Mayor Gelwicks asked if there would come a point where they would have to build a new building. Mr. Maxwell stated that he doesn't believe that a new building would be required at this time. He felt that they should be able to modify the existing structures sufficiently to meet the new mechanisms. He does recommend another compost pad be installed. He discussed the different funding sources and how this public hearing helps qualify for loan funding. Reduction in energy use will also aid in this. Zero interest and low interest loan sources are available. Staff feels that a 20-year term as opposed to a 30-year term would suffice. Pictures of some of the mechanisms currently in place were shown and the recommendations on what should be replaced, renovated, or upgraded were reviewed. Mr. Maxwell then went over regulatory requirements. Mayor Gelwicks asked if there were standards on heavy metals. Mr. Maxwell stated that there are but we are in compliance and doesn't foresee that compliance will become issue later. City Manager Forrest asked what the City needs to do to bring back a good understanding of cost and revenue opportunities. Public Works Director Gardner said that the next step would be to get the project needs assessment approved by the state and in the meantime they will be having some discussions on the different funding such as different loans, DOLA grants compared to USDA, etc. They are working with the Finance Director to develop scenarios that would be the most beneficial to the City and at that time they would be able to present that to Council so they can move forward. The goal is to begin construction in April of next year. Mr. Maxwell explained that the total cost on this project, prior to any owner contingency that gets added, is about 12 million dollars and most of that is the plant itself. Some funds have been allocated to a detailed evaluation survey that would include the County. He feels the County needs to join in in order to make this process truly effective. This is so any future capacity is addressed. The system needs to be evaluated on what the flows may become so that it is able to process and treat with demands that need to be met in the future. Councilor Logan feels that as they are developing their comprehensive plan and sustainability plan it will be great to include the wastewater treatment plant and the green energy reserve as part of the energy savings there. Councilor Drexel asked for more clarification about the bridge loan. Mr. Maxwell stated it is somewhat like a construction loan and Finance Director clarified that at the end it is then rolled into the total and used the example of when a construction loan then becomes part of the mortgage. Mayor Gelwicks noted for the record that throughout the hearing there has been an audience of approximately 20 with some people coming in and other going out. He then called for any public comment. City of Gunnison Building Official Eric Jansen asked how the plant maintains operations while parts are being replaced? Mr. Maxwell answered that there are redundancies in place so that when one thing is being changed out the backups are performing during that period. Calling for any further comments and hearing none Mayor Gelwicks closed the public hearing at 6:49 p.m.

PUBLIC HEARING**6:50 P.M.**

To receive input on City's Text Amendment application ZA 18-1, proposing to amend Sections: 2.4 Principal Use Table, 2.6 Base Zone District Dimensional Standards, 3.3 Residential Use Standards, 3.7 (B) Retail Sales Establishment Standards and 4.4 Off-Street Parking and Loading with the *Land Development Code*.

Mayor Gelwicks opened the public hearing at 6:50 p.m., Tuesday, June 12, 2018, in the Council Chamber of City Hall, 201 West Virginia Avenue in Gunnison, Colorado. Present at this public hearing are Councilors Logan, Miles, Drexel, Morrison, and himself, Gelwicks, Finance Director Cowan, Deputy Clerk Kindall and Interim Community Development Director Ruggera.

The mayor then asked the deputy clerk for proof of publication. She stated there is a copy of the affidavit of publication in the packets and the original is in the City's official file. Mayor Gelwicks then noted that Alex Joyce from Cascadia Partners is also present and City Manager Forrest is back in the room. He then asked for Staff comments and recommendations. Interim Community Development Director Ruggera addressed Council. She stated that this text amendment is driven by the Gunnison Vibrancy Initiative and the recommendations that came out of that. In the implementation section there are two phases of these text amendments and this phase one. These amendments are mostly in the central business district and are items that don't take additional studies or consultation to implement. They were intended to allow flexibility within the B1 Zone District as well as promote some growth and also make it easier to construct accessory building units. Mayor Gelwicks noted for the record that City Attorney Fogo has rejoined the hearing. Interim Director Ruggera reviewed the amendments in detail explaining what is currently allowed and the effect these changes would have. She also explained what the reasoning was for planning and zoning commission's decisions on certain aspects of the amendments. Councilor Logan asked why they crossed out making the patio seating available for physically disabled customers in one section, but then had it included below? Interim Director Ruggera explained that is was a duplicate and was stated twice so that's why one was crossed out. She finished her review and then asked if they had any further questions. A member of the audience asked if there was any consideration of roof top patios? Interim Director Ruggera stated that those are allowed now. Councilor Logan asked about the timeline on phase two. Interim Director Ruggera stated that they were looking at the end of the year and that Mr. Joyce was working on them now. Mr. Joyce stated that he will go before the Planning and Zoning Commission tomorrow night with the preliminary recommendation for phase two. He explained that phase two encompasses looking at the current code standards and recommending dimensional code standard changes that would add more tools to work with. City Manager Forrest explained that these two phases of amendments addresses their strategic goals by adding meaningful incentives that can be implemented right away and removing barriers that help achieve their affordable housing goals. Mayor Gelwicks noted for the audience that they will be conducting a parking study of the Central Business District and adjoining areas later this summer. Mayor Gelwicks called for any other comments and hearing none closed the public hearing at 7:04 p.m.

Mayor Gelwicks then recessed the meeting for a short break at 7:04 p.m. Council returned to Regular Session after the break at 7:11 p.m.

Citizen Input:

Mayor Gelwicks called for any citizen input on any items not already being considered on the agenda. No citizens came forward.

Council Action Items:

Action on Retail Marijuana Products Manufacturer License Application from Cosmic Foods Holdings, LLC. Councilor Logan moved and Councilor Morrison seconded a motion to approve the retail marijuana products manufacturer license application from Cosmic Foods Holdings, LLC dba Cosmic Kitchen, 419 South 10th Street, Gunnison, Colorado 81230. Mayor Gelwicks clarified that the conditions stated in the Decisions and Findings are part of this motion.

Roll call vote, yes: Logan, Miles, Gelwicks, and Morrison. Motion carried.

Roll call vote, no: Drexel.

Action on Retail Marijuana Products Manufacture and Retail Marijuana Cultivation Establishment License Transfer Application from Cosmic Culture, LLC. Councilor Morrison moved and Councilor Logan seconded a motion to approve a transfer of owner for a retail

marijuana products manufacturer license application and a transfer of ownership retail marijuana cultivation establishment license application from Cosmic Foods to Cosmic Culture LLC. Mayor Gelwicks again noted that the conditions stated in the Decisions and Findings are part of this motion as well.

Roll call vote, yes: Miles, Gelwicks, Morrison, and Logan. Motion carried.

Roll call vote, no: Drexel.

Approval of May 22, 2018 Regular Session meeting minutes. Councilor Drexel moved and Councilor seconded the minutes from the May 22, 2018 Regular Session as presented.

Roll call vote, yes: Gelwicks, Drexel, Morrison, and Logan. Motion carried.

Roll call vote, no: None.

Roll call vote, abstain: Miles.

Excuse Councilor Miles from the May 22, 2018 Regular Session meeting. Councilor Morrison moved and Councilor Drexel seconded a motion to excuse Councilor Miles from the May 22, 2018 Regular Session meeting.

Roll call vote, yes: Drexel, Morrison, Logan, and Gelwicks. Motion carried.

Roll call vote, no: None.

Roll call vote, abstain: Miles.

Multi-day Event Application for Gunnison Farmers Market. Barbara Frase, president of the Gunnison Farmers Market, came forward and addressed Council. She mentioned that last year was the first year that they held the Farmers Market on Wednesday evenings and it grossed over \$3,000.00 so they plan on doing it again this year. The street is not closed for the Wednesday evening market. She stated that there are no big changes planned for this year's market and would be happy to answer any questions that Council has. Councilor Logan moved and Councilor Morrison seconded a motion to approve the multi-day event applications for the Gunnison Farmers Market to be held on Saturdays from June 16 through October 6, 2018 and on Wednesdays from July 11 through September 12, 2018 and authorize the Mayor to sign the applications. Mayor Drexel asked how the additional trash pick-ups worked last year? Ms. Frase stated that she was not aware of any problems with the trash.

Roll call vote, yes: Morrison, Logan, Miles, Gelwicks, and Drexel. So carried.

Roll call vote, no: None.

Elections Discussion with Gunnison County Clerk. At this time Kathy Simillion, Gunnison County Clerk and Recorder, came forward to present to Council information on their election process and the advantages of the City coordinating their elections with the County. Ms. Simillion described the various aspects of elections such as security, ADA compliance, personnel, equipment, process, responsibility and accountability, the necessary intergovernmental agreement, costs, different entities that coordinate their elections with the County currently, transparency, and probability of increased voter turn-out. She invited any Councilor to come over to their office, speak with her and her staff, tour their facility, and ask any questions that they may have. She feels that with the signature verification process that is now required by the State, coordinating the City elections with them would be advantageous for us. City Manager Forrest asked about any deadlines for us to get anything on the ballot this November. Ms. Simillion stated that the deadline for an IGA to do that would be July. City Manager Forrest asked how the necessary security affects the cost of elections. Ms. Simillion then went into detail about the security process that is required by the State both before and after the election. Mayor Gelwicks asked about the drop ballot box that they have. Mr. Simillion explained that the box is covered by camera during elections and closed when not in use. He then asked about the changes in absentee voters. She then explained the new time requirements for overseas voters and the processes the County has in place to accommodate these voters. The mayor asked what would be the estimated cost of putting something on this November's ballot? Ms. Simillion stated it would probably be about \$10,000.00, but there is cap on what they are able to charge. Discussion ensued. Mayor Gelwicks asked Council if they would like Staff to follow up with this issue; they indicated that they would. Council thanked Ms. Simillion for all the information and her time tonight.

Text Amendment Application ZA 18-1 discussion. Interim Community Development Director Ruggera and City Manager Forrest indicated that they wanted to give Council another opportunity after the public hearing to ask any questions they may have concerning this text amendment. Councilor Logan asked Director Ruggera if they have had any public comment about this

amendment. She indicated that they haven't. A brief discussion ensued. Council indicated they are ready for the ordinance to be brought forward concerning these amendments.

Main and Tomichi Discussion. As Police Chief Robinson, Public Works Director Gardner and City Engineer Tusing came forward to address Council, City Manager Forrest stated because of this last accident Staff has been brainstorming some different ideas about things that the City can do without going through a significant process with CDOT. Chief Robinson went through some statistics concerning the accidents that have occurred at this intersection. According to a 2012 CDOT safety study, the average accident rate on major traffic arterials, such as Highway 50, for the State is 2.52, for the City it's 0.42. On minor arterials, such as Highway 135, for the State is 1.42, for the City it's 0.37. Which means that the State findings put this intersection on the lower end of the spectrum in regards to accidents. He did discover that nationally pedestrian accidents are up; this is according to a preliminary 2016 national report. Specific to Colorado pedestrian fatalities in 2015 was 59 in 2017 was 75, so pedestrian safety in Colorado as well as the country is becoming a concern. Locally, from our system, 2013 through current shows pedestrian accidents to be 14; five were on private property, four were at Main and Tomichi, the rest were spread throughout the rest of the City. He explained in more detail about this last accident. He stated that they are trying get more of an educational message out for people to do what is safe. City Manager Forrest stated that CDOT has changed the signals at that intersection. Public Works Director Gardner said that they went out to the intersection and studied what was going on there and to see if there were some specific patterns that are being repeated. City Engineer Tusing went through some things that they've identified that they can implement right away. He reviewed that there seems to be quite of bit of clutter such as a sign, trash can, light pole, flower pots, and trees that they can look at moving to improve the visibility on the corners. They also thought that a visual cue for drivers by delineated the lanes with flexible markers would help them stay more in the lanes of travel as well as some white chevron painting that would be another visual cue. They would look at removing two parking spaces to accomplish this. Discussion ensued. City Manager Forrest asked Council that if they were comfortable with these suggestions then the next step would be to do some community outreach via the Vibrancy team and go downtown to discuss these improvements with the businesses as part one; while part two would be continuing discussions with CDOT to make some of the more significant improvements in an effort to mitigate the life/safety issues at this intersection. Council is comfortable these immediate improvements. Councilor Morrison received a letter late today from three business women who work above the Corner Cupboard and have witnessed many close calls as well as the last accident and have invited anyone from Council or the City to come up to their offices to view the traffic situation from there. She forwarded this letter to Deputy Clerk Kindall who will in turn forward it to the rest of Council.

Ordinance No. 7, Series 2018: An ordinance of the City Council of the City of Gunnison amending Title 5 General Offenses, Chapter 5.20 Traffic, Section 5.20.020. of the Gunnison Municipal Code, additions or modifications. Councilor Drexel introduced Ordinance No. 7, Series 2018 and asked that it be read by title only by the City Attorney. Councilor Drexel moved and Councilor Logan seconded a motion to approve Ordinance No. 7, Series 2018 on first reading. Police Chief Robinson explained that this ordinance is a follow up to the discussion on May 22nd. The attached map shows the downtown are affected and essentially this would include bikes and wheeled devices to stop, dismount, and walk across crosswalks in this area of downtown. It removes the requirement of signage. Enforcement would begin with an educational piece and warnings in this zone. A lengthy discussion ensued. It was then decided to table this item until the next meeting. Councilor Drexel moved and Councilor Morrison seconded to table this ordinance and discussion until the next Regular Session.

Roll call vote, yes: Miles, Gelwicks, Drexel, Morrison, and Logan. So carried.

Roll call vote, no: None.

Adjourn Regular Session Meeting and move into Discussion/Work Session.

With no further business for the Regular Session Mayor Gelwicks adjourned the Regular Session Meeting and Council went into the discussion/work session at 8:48 P.M.

Attest:

Tara Kindall
Deputy City Clerk

